

REMARKS

In the Office Action mailed October 3, 2003, the Examiner requested that Applicants restrict the prosecution of the above-identified case to one of two inventions. According to the Examiner, invention I included claims 45-61 drawn to a method of peritoneal dialysis and invention II included claims 62-86 drawn to an apparatus for peritoneal dialysis.

Applicants filed a timely response to the restriction requirement on November 19, 2003 in which claims 45-61 were canceled and are now being prosecuted in a co-pending divisional application, which was filed on December 22, 2003. That related divisional patent application has been given Application Serial No. 10/746670.

Further, in the October 3, 2003 Office Action, the Examiner requested that Applicants select one Species from each of the following groups:

Group 1	Group 2
Species A - Figure 1	Species E - Figure 5
Species B - Figure 2	Species F - Figure 8
Species C - Figure 3	
Species D - Figure 4	

In the November 19, 2003 response, Applicants elected Species E from Group 2. Applicants also submitted that claims 62-86 are readable thereon. Applicant further submits that at least independent claim 62 is generic to both Species E and F.

In the February 10, 2004 Office Action, the Examiner asserts that Applicants have failed to choose one Species from Group I and is requiring Applicants to elect a Species. Applicants respectfully submit that claims 45-61 have been canceled from this present application and are being prosecuted in the aforementioned divisional application. These canceled

claims are drawn to a method of peritoneal dialysis and are readable on Species E & F of Group II. In addition, the claims that may be readable on Group I are no longer in this case and thus, an election of Species from the non-restricted Group I is inappropriate with respect to the present patent application.

Furthermore, should the Examiner request an election of Species in Group I, Applicants respectfully traverse the election of a Species. That is, Applicants submit that claims 45-61 are all directed to a basic method for peritoneal dialysis and that independent claim 45 is generic. With that said, should the Examiner require an election of Species from the now canceled Group I, Applicants provisionally elect Species A (claims 45-61) thereof.

Finally, if the Examiner believes that any of these objections can be overcome by contacting Applicants' counsel, such action is respectfully requested by contacting the undersigned at (908) 654-5000.

If there are any charges in connection with this requested Amendment, the Examiner is authorized to charge Applicants' Deposit Account Number 12-1095 therefor.

Dated: March 10, 2004

Respectfully submitted,

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